



INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Washington, D.C. 20226

Number: 73- 14

Date: 7/31/73

APPROVAL OF DISTINCTIVE LIQUOR BOTTLES

Proprietors of distilled spirits plants,
liquor bottle manufacturers, importers,
and others concerned:

The purpose of this circular is to advise proprietors of distilled spirits plants, liquor bottle manufacturers, and importers of ATF Ruling No. 73-14 which requires that all liquor bottles of distinctive shape or design must be submitted to the Director for approval, whether or not such bottles bear the required indicia. The ruling will be published in ATF Bulletin 1973-8 and will read as follows:

The Bureau of Alcohol, Tobacco and Firearms recognizes a need for greater implementation of the regulations concerning distinctive liquor bottles.

Under the provisions of 26 CFR 201.540e, 250.315, and 251.205, the Director is authorized to approve any distinctive liquor bottle, including bottles of less than one-half pint capacity. Those sections further provide that the approval must be obtained prior to submission to the Regional Director of an application on Form 4329, Application and Authorization to Use Distinctive Liquor Bottles.

For several years the Director, Alcohol, Tobacco and Firearms has not required formal approval of liquor bottles of distinctive shape or design if they bore the indicia required by 26 CFR 173.33, 173.34, and 173.35. As a result, it now appears that some indicia-bearing distinctive liquor bottles which have not been submitted to the Director for approval are likely to be deceptive to consumers.

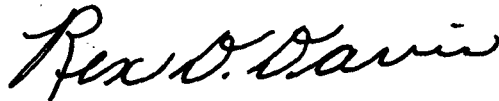
Therefore, it is held that all liquor bottles of distinctive shape or design, including bottles of less than one-half pint capacity, must be submitted to the Director for approval, whether or not such bottles bear the required indicia. Applications and specimen bottles should be submitted in accordance with the provisions of 26 CFR 201.540e, 250.315, and 251.205. Where a distinctive liquor bottle has incorporated therein any written, printed or other graphic matter, the photographs which accompany the application and the specimen bottle must clearly show such matter.

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Subsequent to approval by the Director of a distinctive liquor bottle, application to use the bottle should be submitted on Form 4329 in accordance with the instructions on the back of the form.

This ruling applies to all distinctive liquor bottles currently in use which have not been approved by the Director, whether or not they have previously been used as liquor bottles.

Inquiries regarding this circular should refer to its number and be addressed to the Director, Bureau of Alcohol, Tobacco and Firearms, 1111 Constitution Avenue, N. W., Washington, D. C. 20226, Attention: Regulatory Enforcement.

A handwritten signature in cursive script, reading "Rex D. Davis".

Rex D. Davis
Director